THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Appeal from Order No. 165 of 2003

1. Smt. Bina Kumari W/O Shri Sanjay Kumar Ayngra,
2. Arpit Kumar
3. Navneet
   Both minor sons of Shri Sanjay Kumar Ayngra,
   Through natural guardian and mother Smt. Bina Kumar,
   W/O Shri Sanjay Kumar Ayngra, All R/O House No. 346,
   Gali No. 1,
   Arya Nagar, Jwalapur, P.S.Jwalapur, District Haridwar.

… Appellants.

Versus

Sanjay Kumar Ayngra, S/O Shri Sagar Ayngfa,
R/O House No. 246/6, Gurunankpura, Jagadari, District Yamuna Nagar,
Hariyana.

… Respondents.

Sri Lokpal Singh, Advocate, learned counsel for the appellants.
Sri K.S. Verma, Advocate, learned counsel for the respondent.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

Date July 05, 2006.

Heard learned counsel for both the parties and perused the record.

This appeal is directed against the judgment and order dated 12-6-2003 passed by the then Judge Family Court Haridwar in Misc. Case No. 29 of 2002, under Section 128 of the Code of Criminal Procedure (***for short Cr.P.C.***), whereby the learned Judge Family Court allowed the application for maintenance of the wife under Section 125 of the Cr.P.C. and directed the O.P.-respondent to pay Rs. 1000/- p.m. to wife and Rs. 500/- per month as maintenance to each of the two minor children.

A perusal of the record shows that this Court vide order dated 22-7-2005 directed the respondent-husband to pay to the appellants the amount of arrears due to them as per impugned order dated 12.6.2003 within a period of two months, but the same was not complied, hence this Court vide order dated 07-02-2006 directed the Judge, Family Court concerned for issuing non-bailable warrant/recovery warrant against the respondent and the lower court record was transmitted to the court concerned with a direction to comply with the order. The compliance report from the Family Court has been received to the effect that compliance of court's order dated 12-6-2003 had already been carried out. Lower Court Record has also been received back.

In view the above circumstances of the case, this appeal is disposed of with the direction that the arrears shall also be paid to the appellant in accordance with the impugned order dated 12-6-2003 passed by the Judge, Family Court Haridwar in the proceedings under Section 128 Cr.P.C. No order as to costs.

(B.S.Verma, J.) **(P.C. Verma, J.)**

RCP